



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2009

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Maria R. Nold
Regional Director

November 21, 2016

Mr. Greg Pikul
Environmental Manager, East Region
Calpine Mid-Atlantic Generation, LLC
500 Delaware Avenue, Suite 600
Wilmington, Delaware 19801

Location: Northampton County
Registration No.: 40602

Dear Mr. Pikul:

Attached is a Title V permit to operate your facility pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit supersedes the permit dated July 5, 2011.

The permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil penalty. Please read all permit conditions carefully.

This approval to operate does not relieve Calpine Mid-Atlantic Generation, LLC of the responsibility to comply with all other local, state, and federal permit regulations.

Issuance of this permit is a case decision. The Regulations, at 9 VAC 5-170-200, provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this permit is mailed or delivered to you. Please consult that and other relevant provisions for additional requirements for such requests.

Mr. Greg Pikul
Calpine Mid-Atlantic Generation, LLC
Bayview Energy Center
November 21, 2016
Page 2

Additionally, as provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal to court by filing a Notice of Appeal with:

David K. Paylor, Director
Department of Environmental Quality
PO Box 1105
Richmond, VA 23218-1105

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Rule 2A of the Rules of the Supreme Court of Virginia for additional information including filing dates and the required content of the Notice of Appeal.

If you have any questions concerning this permit, please contact Matt Fanghella by phone at (757) 518-2013 or by e-mail at matthew.fanghella@deq.virginia.gov.

Sincerely,

Wayne H. Franklin
Regional Air Permits Manager

WHF/MMF/40602_006_16_CvrLtr_T5Renewal_Calpine_Bayview.docx

Attachment: Permit

cc: Manager, Data Analysis (electronic file submission)
Manager/Inspector, Air Compliance
Chief, Air Enforcement Branch (3AP13), U.S. EPA, Region III (electronic file submission)

Mr. Greg Pikul
Calpine Mid-Atlantic Generation, LLC
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If you have any questions concerning this permit, please contact Matt Fanghella by phone at (757) 518-2013 or by e-mail at matthew.fanghella@deq.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne H. Franklin".

Wayne H. Franklin
Regional Air Permits Manager

WHF/MMF/40602_006_16_CvrLtr_T5Renewal_Calpine_Bayview.docx

Attachment: Permit

cc: Manager, Data Analysis (electronic file submission)
Manager/Inspector, Air Compliance
Chief, Air Enforcement Branch (3AP13), U.S. EPA, Region III (electronic file submission)



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Regional Director

Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Calpine Mid-Atlantic Generation, LLC
Facility Name:	Bayview Energy Center
Facility Location:	Route 648 (South of Route 641) 22872 Bayview Circle Bayview (Northampton County), Virginia 23316
Registration Number:	40602
Permit Number:	TRO-40602

This permit includes the following programs:

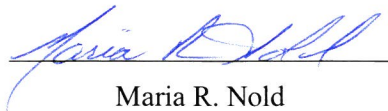
Federally Enforceable Requirements - Clean Air Act (Pages 4 through 20)

November 21, 2016

Effective Date

November 20, 2021

Expiration Date



Maria R. Nold

November 21, 2016

Signature Date

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I. Facility Information

Permittee

Calpine Mid-Atlantic Generation, LLC
500 Delaware Avenue, Suite 600
Wilmington, DE 19801

Responsible Official

Greg Pikul
Environmental Manager, East Region
(302) 468-5311

Facility

Bayview Energy Center
Route 648 (South of Route 641)
22872 Bayview Circle
Bayview (Northampton County), Virginia 23316

Contact Person

Greg Pikul
Environmental Manager, East Region
(302) 468-5311

County-Plant Identification Number: 51-131-00008

Facility Description: NAICS 221112

Calpine Mid-Atlantic Generation, LLC's Bayview Energy Center (formally Conectiv Delmarva Generation's Bayview Peaking Station) provides peak electrical power through the operation of six (6) stationary reciprocating internal combustion engines (RICEs), each engine having a rated brake horsepower of 2,500 HP and coupled to an electrical generator rated at an electric generation capacity of two (2) megawatts (MW). The stationary RICEs are serviced by two (2) 50,000 gallon #2 distillate fuel oil storage tanks, and three (3) 330 gallon lubrication oil storage tanks.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
BV10	ST10	Reciprocating Internal Combustion Engine (RICE) Generator Set #1	21.0 MMBtu/hr nominal (2,500 rated horsepower)	N/A	N/A	N/A	General Motors (GM)/MP-36 October 1963
BV20	ST20	Reciprocating Internal Combustion Engine (RICE) Generator Set #2	21.0 MMBtu/hr nominal (2,500 rated horsepower)	N/A	N/A	N/A	General Motors (GM)/MP-36 October 1963
BV30	ST30	Reciprocating Internal Combustion Engine (RICE) Generator Set #3	21.0 MMBtu/hr nominal (2,500 rated horsepower)	N/A	N/A	N/A	General Motors (GM)/MP-36 October 1963
BV40	ST40	Reciprocating Internal Combustion Engine (RICE) Generator Set #4	21.0 MMBtu/hr nominal (2,500 rated horsepower)	N/A	N/A	N/A	General Motors (GM)/MP-36 October 1963
BV50	ST50	Reciprocating Internal Combustion Engine (RICE) Generator Set #5	21.0 MMBtu/hr nominal (2,500 rated horsepower)	N/A	N/A	N/A	General Motors (GM)/MP-36 October 1963
BV60	ST60	Reciprocating Internal Combustion Engine (RICE) Generator Set #6	21.0 MMBtu/hr nominal (2,500 rated horsepower)	N/A	N/A	N/A	General Motors (GM)/MP-36 1976

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements – (BV10 through BV60)

A. Limitations

1. **Fuel Burning Equipment Requirements – (BV10 through BV60) - Limitations** - The approved fuels for the six (6) reciprocating internal combustion engines Ref. Nos. BV10 – BV60 is distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396 “Standard Specification for Fuel Oils.” A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-110)
2. **Fuel Burning Equipment Requirements – (BV10 through BV60) - Limitations** - The maximum sulfur content of the oil to be burned in the boilers shall not exceed 0.0015 percent by weight per shipment.
(9 VAC 5-80-110 and 40 CFR 63.6604(a))
3. **Fuel Burning Equipment Requirements – (BV10 through BV60) - Limitations** - Visible Emissions from each of the each of the six (6) engine generator stacks ST10 - ST60 shall not exceed twenty (20) percent opacity except during one six-minute period in any one hour in which visible emissions from five (5) of the engine generator stacks ST10 - ST50 shall not exceed sixty (60) percent opacity or thirty (30) percent opacity from engine generator stack ST60. This condition applies to emission units BV10 - BV60 at all times except during start-up, shutdown, or malfunction. Failure to meet the requirements of this condition because of the presence of water vapor shall not be a violation of this condition. Compliance with the visible emission standards shall be demonstrated by proper operation and maintenance of the emission units, periodic visual emission observations, and by associated recordkeeping.
(9 VAC 5-40-80, 9 VAC 5-50-80, and 9 VAC 5-80-110)
4. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ - Limitations** – The permittee shall comply with the applicable requirements of 40 CFR 63 Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines). The permittee shall refer to this Federal regulation for detailed requirements not contained in the permit that may be applicable to the six (6) internal combustion engines BV10 - BV60.
(9 VAC 5-80-110 and 40 CFR 63 Subpart ZZZZ)
5. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ – Limitations** - The permittee shall be in compliance with all applicable emission limitations and operating limitations of 40 CFR 63 Subpart ZZZZ not later than May 3, 2013 for the six (6) reciprocating internal combustion engines BV10 - BV60 operated at the facility.
(9 VAC 5-80-110 and 40 CFR 63.6595(a)(1))

6. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ – Limitations -** For the six (6) reciprocating internal combustion engines BV10 - BV60, the permittee shall comply with the applicable emission limitations in Table 2d and the operating limitations in Table 2b of 40 CFR 63 Subpart ZZZZ. Except during periods of startup, the following emission limitations shall apply:

- a. Limit the CO concentration in the exhaust to 23 ppmvd or less at 15% O₂; or
- b. Reduce CO emissions by 70% or more.

During periods of startup, the permittee shall minimize the engine's time spent at idle and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations shall apply.

(9 VAC 5-80-110, 40 CFR 63.6603(a), and 40 CFR 63.6625(h))

7. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ – Limitations -** The permittee shall comply with the applicable requirements of the General Provisions as outlined in Table 8 of 40 CFR 63 Subpart ZZZZ for the six (6) reciprocating internal combustion engines BV10 - BV60 operated at the facility.

(9 VAC 5-80-110 and 40 CFR 63.6665)

8. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ – Limitations -** For the six (6) reciprocating internal combustion engines BV10 - BV60, the permittee shall comply with the applicable General Compliance requirements in 40 CFR 63.6605. These requirements are summarized below:

- a. The affected sources must be in compliance with the applicable emission limitations and operating limitations in 40 CFR 63 Subpart ZZZZ at all times; and
- b. At all times the permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if levels required by the standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(9 VAC 5-80-110 and 40 CFR 63.6605(a) and (b))

B. Monitoring

9. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ - Monitoring -** The permittee shall follow the engine manufacturer's specified maintenance requirements for operating and maintaining the closed crankcase ventilation system on each of the six (6) reciprocating internal combustion engines Ref. Nos. BV10 - BV60.

(9 VAC 5-80-110 and 40 CFR 63.6625(g))

10. **Fuel Burning Equipment Requirements – (BV10 through BV60) - Monitoring -** For the six (6) reciprocating internal combustion engines BV10 - BV60, the permittee shall use combustion gas temperature monitoring, telemetry, and alarm notification systems to maintain efficient combustion during all manned and unmanned operating periods, to minimize the likelihood of excessive visible emissions from emission points ST10 - ST60. For the combustion temperature monitoring devices, the permittee shall comply with the applicable requirements of 40 CFR 63.6625(b).

(9 VAC 5-40-100, 9 VAC 5-50-100, and 40 CFR 63.6625(b))

11. **Fuel Burning Equipment Requirements – (BV10 through BV60) - Monitoring** - The permittee shall observe the six (6) reciprocating internal combustion engine generator stacks, ST10 - ST60, in accordance with 40 CFR 60 Appendix A, Method 9. The visible emission evaluation shall be performed with the following frequency:

Total Engine Operating Hours in a Calendar Year	Minimum Number of Required Observations the Following Calendar Year
≤ 3,000	One (1) per Engine
>3,000	Two (2) per Engine

(9 VAC 5-40-110)

12. **Fuel Burning Equipment Requirements – (BV10 through BV60) - Monitoring** - To minimize the duration and frequency of visible emissions due to malfunctions or abnormal operation of process equipment or air pollution control equipment, the permittee shall:

- Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance; and
- Maintain an inventory of spare parts that are needed to minimize durations of air pollution control equipment breakdown.

(9 VAC 5-40-110)

C. Recordkeeping

13. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT ZZZZ - Recordkeeping** – For the six (6) reciprocating internal combustion engines Ref. Nos. BV10 – BV60, the permittee shall keep the following records:

- A copy of each notification and report submitted in accordance with 40 CFR 63 Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status that was submitted, according to the requirement in 40 CFR 63.10(b)(2)(xiv);
- Records of occurrence and duration of each malfunction of operation (i.e. process equipment or the air pollution control and monitoring equipment);
- Records of performance tests and performance evaluations as required in 40 CFR 63.10(b)(2)(viii);
- Records of all required maintenance performed on the air pollution control and monitoring equipment;
- Records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation; and
- Records required in Table 6 of 40 CFR 63 Subpart ZZZZ to show continuous compliance with each emission or operation limitation that applies.

These records shall be available on the site for inspection by the DEQ and shall be current of the most recent five (5) years.

(9 VAC 5-80-110, 40 CFR 63.6650, and 40 CFR 63.6655)

14. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT ZZZZ - Recordkeeping** – For the six (6) reciprocating internal combustion engines Ref. Nos. BV10 – BV60, the permittee shall keep records of the maintenance schedule and all scheduled and non-scheduled maintenance performed on each of the six (6) internal combustion engines Ref. Nos. BV10 through BV60. These records shall be available on site for inspection by DEQ and shall be current for them most recent five (5) years.
(9 VAC 5-80-110 and 40 CFR 63.6655(e))
15. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT ZZZZ - Recordkeeping** – The permittee shall maintain records of all emissions data and operating parameters necessary to demonstrate compliance with this permit. These records shall include, but not be limited to:
- a. Type and sulfur content of fuel combusted in the six (6) internal combustion engines BV10 - BV60, as received from the fuel supplier;
 - b. Operating hours per calendar year of the six (6) internal combustion engines BV10 - BV60, updated monthly;
 - c. Sulfur dioxide (SO₂) emission rate, in pounds per hour (lb/hr), demonstrated by:
 - i. Quarterly calculations for the following calendar year, when fuel sulfur content in any fuel delivery exceeds 0.0015%, by weight; and
 - ii. Annual emissions inventory statements submitted to the Department and/or through periodic calculations/information that the Department may request to validate these data;
 - d. A record of each visible emissions observation and visible emissions evaluation, including any data required by 40 CFR 60 Appendix A, Method 9 or Method 22, whichever is appropriate; and at a minimum, the date and time, emission unit ID number, the applicable visible emissions requirement, the results of the observation, and the name of the observer; and
 - e. A record of combustion gas temperature monitoring alarms that indicated the potential for excess visible emissions during remote operations.

These records shall be available on the site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110, 40 CFR 63.6650, and 63.6655)

16. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT ZZZZ - Recordkeeping** - The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:
- a. The name of the fuel supplier,
 - b. The date on which the oil was received,
 - c. The volume of distillate oil delivered in the shipment,
 - d. A statement that the oil complies with the American Society for Testing and Materials (ASTM 396) specifications for fuel oil numbers 1 and 2, and
 - e. The sulfur content of the oil.

These records shall be available on site for inspection by DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110)

D. Testing

17. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ - Testing** – For each of the six (6) reciprocating internal combustion engines BV10 - BV60, the permittee shall conduct an initial performance test in accordance with the applicable requirements listed in Table 5 of 40 CFR 63 Subpart ZZZZ within 180 calendar days after the compliance date that is specified in 40 CFR 63.6595 and according to the provisions in 40 CFR 63.7(a)(2).
(9 VAC 5-80-110 and 40 CFR 63.6630 Table 5)
18. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ - Testing** – The permittee shall conduct subsequent performance tests on the engines every three (3) years or every 8,760 hours, whichever comes first, as specified in Table 3 of 40 CFR 63 Subpart ZZZZ and in accordance with the applicable requirements specified in Table 4 of 40 CFR 63 Subpart ZZZZ.
(9 VAC 5-80-110 and 40 CFR 63.6615, and 63.6620)
19. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ - Testing** – The permittee is not required to conduct an initial performance test on an affected unit for which a performance test has been previously conducted, but the previous test must meet all of the conditions specified in 40 CFR 63.6612(b)(1) through (4).
(9 VAC 5-80-110, and CFR 63.6612 and 63.6645)
20. **Fuel Burning Equipment Requirements – (BV10 through BV60) - Testing** - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by DEQ.
(9 VAC 5-80-110)

E. Reporting

21. **Fuel Burning Equipment Requirements – (BV10 through BV60) - Reporting** - The permittee shall submit fuel quality reports to the Director, TRO Regional Office within 30 days after the end of each calendar quarter. If no shipments of distillate oil were received during the calendar quarter, the quarterly report shall consist of the dates included in the calendar quarter and a statement that no oil was received during the calendar quarter. If distillate oil was received during the calendar quarter, the reports shall include:
 - a. The dates included in the calendar quarter;
 - b. A copy of all fuel supplier certifications for all shipments of distillate oil received during the calendar quarter or a quarterly summary from each fuel supplier that includes the information specified in Condition C.16 for each shipment of distillate oil; and
 - c. A signed statement from the owner or operator of the facility that the fuel supplier certifications or summaries of fuel supplier certifications represent all of the distillate oil burned or received at the facility.
(9 VAC 5-50-50 and 9 VAC 5-80-110)

22. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ - Reporting -**
For the six (6) reciprocating internal combustion engines BV10 - BV60, the permittee shall comply with 40 CFR 63.6650(b)(1) - (5) by submitting semiannual reports in accordance with the requirements listed in Table 7 of 40 CFR 63 Subpart ZZZZ. The following conditions shall be noted in the report:
- a. If there are no deviations from any emission limitations or operating limitations that were applicable, the report shall include a statement that there were no deviations from the emission limitations or operating limitations during the reporting period;
 - b. If there was a deviation from any emission limitation or operating limitation during the reporting period, the information in 40 CFR 63.6650(d) shall be included in the report;
 - c. If there was a malfunction during the reporting period, the information in 40 CFR 63.6650(c)(4) shall be included in the report; and
 - d. Reports shall be sent to the EPA Administrator at the following address:

Associate Director
Office of Air Enforcement and Compliance Assistance (3AP20)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-80-110, 40 CFR 63.6645, and 40 CFR 63.6650)
23. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ - Reporting -**
The permittee shall comply with and submit all applicable notifications in 40 CFR 63.6645 and 40 CFR Part 63, Subpart A in accordance with the dates specified therein.
(9 VAC 5-80-110 and 40 CFR 63.6645)
24. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ - Reporting -**
For required performance tests, the permittee shall submit a Notification of Intent to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin as required in 40 CFR 63.7(b)(1).
(9 VAC 5-80-110 and 40 CFR 63.6645)
25. **Fuel Burning Equipment Requirements – (BV10 through BV60) MACT Subpart ZZZZ - Reporting -**
For performance tests or other required compliance demonstrations specified in Tables 4 and 5 of 40 CFR 63 Subpart ZZZZ, the permittee shall submit a Notification of Compliance Status in accordance with 40 CFR 63.9(h)(2)(ii) as follows:
- a. For each initial compliance demonstration required in Table 5 of 40 CFR 63 Subpart ZZZZ that does not include a performance test, the permittee shall submit a Notification of Compliance Status before the close of business on the 30th day following the completion of the initial compliance demonstration.
 - b. For each initial compliance demonstration required in Table 5 of 40 CFR 63 Subpart ZZZZ that includes a performance test conducted according to the requirements in Table 3 of 40 CFR 63 Subpart ZZZZ, the permittee shall submit a Notification of Compliance Status, including the performance test results, before the close of business day on the 60th day following the completion of the performance test according to 40 CFR 63.10(d)(2).
- (9 VAC 5-80-110 and 40 CFR 63.6645)

IV. Insignificant Emission Units

26. **Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
BV100 & BV101	Two (2) #2 Fuel Oil Storage Tanks	9 VAC 5-80-720 B.2	VOCs	50,000 gal. (installed prior to 1984)
BV110 - BV115	Six (6) #2 Fuel Oil Storage Tanks	9 VAC 5-80-720 B.2	VOCs	120 gal. each
BV120 - BV122	Three (3) Lube Oil Storage Tanks	9 VAC 5-80-720 B.2	N/A	330 gal. each

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.
 (9 VAC 5-80-110)

V. Permit Shield & Inapplicable Requirements

27. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60 Subpart Kb	NSPS for Volatile Organic Storage Vessels	Fuel oil storage tanks BV100, BV101 and day tanks BV110 - BV115 were installed prior to the 1984 applicability date. Tanks BV120 - BV122 are exempt from this standard based on size.
9 VAC 5 Chapter 40, Article 4	Emission Standards for General Process Operations	Article 4 of Chapter 40 of the state regulations does not apply to reciprocating internal combustion engines BV10 - BV60 because they do not meet the definition that Rule 4-4 is intended to cover which is primarily process equipment (i.e. furnaces, ovens, and kilns).
9 VAC 5 Chapter 40, Article 8	Emission Standards for Fuel Burning Equipment	Article 8 in Chapter 40 of the state regulations does not apply to reciprocating internal combustion engines BV10 - BV60 because the rule excludes internal combustion engines from its definition of "fuel-burning equipment".
9 VAC 5 Chapter 40, Article 37	Emission Standards for Petroleum Liquid Storage and Transfer Operations	Article 37 in Chapter 40 of the state regulations does not apply to storage tanks BV100, BV101, BV110 - BV115, and BV120 - BV122. Fuel oil vapor pressure in tanks BV100, BV101, and BV110 - BV115, and lubrication oil in tanks BV120 - BV122, are below the article's applicability threshold of 1.5 psia for any liquid in service by a storage tank.
9 VAC 5 Chapter 50, Article 4	Standards of Performance for New and Modified Stationary Sources	9 VAC 5-50-280 requires BACT as reflected in any conditions placed on the permit approval for new or modified emissions unit. BV60 was installed in 1976 and not modified after the rule effectiveness date of August 3, 1979. Furthermore, BV60 was exempt from new source review (NSR) by a 1972 NSR regulation, as amended in 1975, based on a de minimus capacity of the unit (less than 3000 hp). 9 VAC 5-50-290 to 390 covering visible emissions, dust, odor, toxics, compliance, testing, monitoring, notification, records and reporting, registration, maintenance and malfunction, and permitting of new and modified sources, also do not apply until the unit is modified.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VI. General Conditions

28. **General Conditions - Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)
29. **General Conditions - Permit Expiration** - This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170B)
30. **General Conditions - Permit Expiration** - The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170B)
31. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170B)
32. **General Conditions - Permit Expiration** - No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170B)

33. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170B)
34. **General Conditions - Permit Expiration** - The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170B)
35. **General Conditions - Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
- (9 VAC 5-80-110 F)
36. **General Conditions - Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)

37. **General Conditions - Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - c. Exceedance of emissions limitations or operational restrictions;
 - d. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or
 - e. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - f. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

38. **General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31.
- b. The identification of each term or condition of the permit that is the basis of the certification.
- c. The compliance status.
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
- e. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
- f. Such other facts as the permit may require to determine the compliance status of the source.
- g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

(9 VAC 5-80-110 K.5)

39. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the DEQ Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 37 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)
40. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the DEQ, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the DEQ Tidewater Regional Office.
(9 VAC 5-20-180 C)
41. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)
42. **General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)
43. **General Conditions - Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)
44. **General Conditions - Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)
45. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

46. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
47. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)
48. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350 in addition to an annual permit maintenance fee consistent with the requirements of 9 VAC 5-80-2310 through 9 VAC 5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9 VAC 5-80-2340, adjusted annually by the change in the Consumer Price Index.
(9 VAC 5-80-110 H, 9 VAC 5-80-340 C, and 9 VAC 5-80-2340 B)
49. **General Conditions - Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
 - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
 - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
- (9 VAC 5-40-90 and 9 VAC 5-50-90)

50. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)
51. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:
- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
 - b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
 - d. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- (9 VAC 5-80-110 K.2)
52. **General Conditions - Reopening For Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F. The conditions for reopening a permit are as follows:
- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
 - c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.
- (9 VAC 5-80-110 L)
53. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)
54. **General Conditions - Transfer of Permits** - No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

55. **General Conditions - Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
56. **General Conditions - Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
57. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)
58. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)
59. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)
60. **General Condition - Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)
61. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

62. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
 - b. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
 - c. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.
- (9 VAC 5-80-110 I)